

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. **Applicant/Contact name and address:**

Romain Estates HOA
1 Romain Drive
Bigfork, MT 59911

2. **Type of action:** Application to Change an Existing Non-Irrigation Change Application
76LJ 30124292

3. **Water source name:** Groundwater

4. **Location affected by project:** The place of use is generally located in Romain Estates Subdivision, E2SW and W2SWSE Township 26 North, Range 19 West, Lake County.

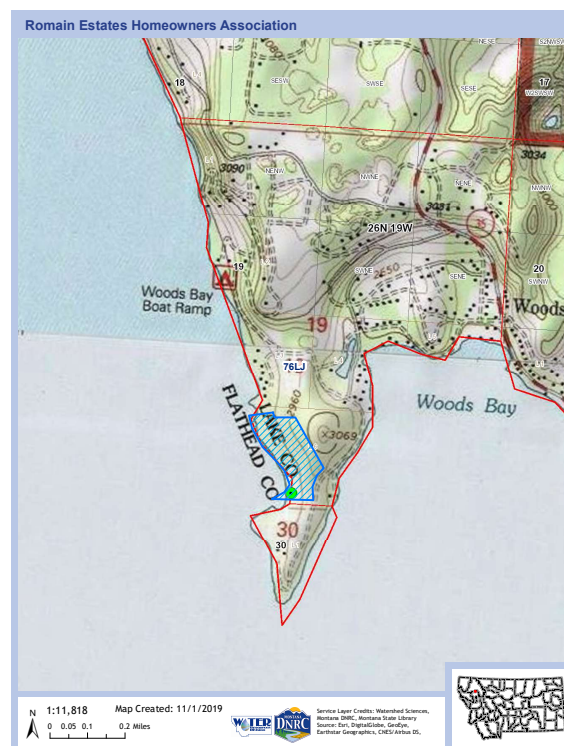


Figure 1: Map of place of use and proposed new point of diversion

5. **Narrative summary of the proposed project, purpose, action to be taken, and benefits:**

The Applicant seeks authorization to add a second point of diversion (PWS #2) to unperfected Provisional Permit No. 76LJ 30064888 and to correct the legal land description of the existing well (PWS #1) and place of use. The new well and existing well are 47 feet apart and are located in the SESESW of Section 19, Township 26N, Range 19W, Lake County, Montana. The clarified place of use the E2SW and the W2SWSE of Section 19, Township 26N, Range 19W, Lake. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. **Agencies consulted during preparation of the Environmental Assessment: (include agencies with overlapping jurisdiction)**

- U.S. Fish and Wildlife Service and Montana Natural Heritage Program: Endangered, Threatened Species and Species of Special Concern, Wetland Mapper program
- Montana Department of Fish Wildlife & Parks (DFWP); Dewatered Stream Information
- Montana Department of Environmental Quality's (MDEQ) Clean Water Act Information and PWS Drinking Water Watch databases
- U.S. Natural Resource Conservation Service (NRCS); web soil survey
- Montana Historical Society

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

The Application is for groundwater, no additional volume or flow is authorized with Change Application 76LJ 30124292. The Applicant is proposing to add a second point of diversion and clarify the place of use and legal land description of the first point of diversion. The proposed change will not create new depletions to the Flathead Lake.

Determination: No impact.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Under Change Application 76LJ 30124292 the Applicant is proposing to add a second point of diversion and clarify the place of use and legal land description of the first point of diversion; no

additional volume or flow is authorized. The proposed new point of diversion will not create new depletions to Flathead Lake. The Department found that the proposed use will not affect water quality.

Determination: No significant impact.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Under Change Application 76LJ 30124292 the Applicant is proposing to add a second point of diversion and clarify the place of use and legal land description of the first point of diversion; no additional volume or flow is authorized. Groundwater quality will not be significantly impacted.

Determination: No significant impact.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Upon issuance of this change authorization the water system originally permitted under Provisional Permit 76LJ 30064888 will consist of two wells (PWS #1, GWIC No. 79704 and PWS #2, GWIC No. 300707), a 46,000-gallon concrete storage tank and distribution piping. Both wells are manifold together into the same distribution system and will not operate simultaneously; flow rate will not exceed 70 GPM up to 39.60 AF/year. MDEQ approved the proposed well specification and redundant well location per EQ # 18-1539 on May 9, 2018. Both wells were drilled by licensed well drillers (WWC-52, WWC 624).

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program and DFWP websites were reviewed to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project.

According to the Montana Natural Heritage Program in Township 26N, Range 19W there are four plant species of concern, Beck Water-marigold (*Bidens beckii*), Lake-bank Sedge (*Carex lacustris*), Blunt-leaved Pondweed (*Potamogeton obtusifolius*) and Pod Grass (*Scheuchzeria palustris*). All are found in northwestern Montana. Beck Water-marigold is thought to be more abundant than what current data suggests. Lake shore development, boating activity and aquatic weeds are possible threats to the plant. Little is known about Lake-bank Sedge, only a few occurrences have been noted in Lake County. Blunt-leaved Pondweed occurs mostly on national

forest lands; therefore the proposed project will not impact either species. Pod Grass is found in fens and wetlands west of the Continental Divide. The majority of populations are on National Forest lands or MT State Trust Lands. This subdivision has been developed and disturbed for over 30 years, impact to any of the four sensitive plant species has most likely already occurred.

The Canada Lynx (*Lynx Canadensis*), Grizzly Bear (*Ursus arctos*) and Bull Trout (*Salvelinus confluentus*) are listed as threatened by the USFWS. An adequate quantity of water will still exist in the Flathead Lake to maintain existing populations of Bull Trout. Development has existed on this section of lakeshore for sometime; any impacts to sensitive mammal species most likely has already occurred. The proposed project will not impact any threatened or endangered fish, wildlife, plants and aquatic species or any species of special concern.

Determination: No significant impact.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: N/A, project does not involve wetlands or critical riparian habitats

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: N/A, project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

According to soil survey data provided by the NRCS, soil within the place of use consists mostly of very gravelly loam that is excessively drained. Soils around Flathead Lake are not susceptible to saline seep. Use of groundwater will not cause degradation of soil quality and stability.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Any impacts to existing vegetation will be within the range of current disturbances due to current development within the subdivision. No land will be disturbed due to this application, therefore noxious weeds are not expected to be established or spread.

Determination: No impact.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Adverse air quality impacts from increased air pollutants are not expected as a result of this project. No air pollutants were identified as resulting from the applicants proposed use of groundwater.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A, project is not located on state or federal land.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

All impacts to land, water and energy have been identified and no further impacts are anticipated.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is located in an area with no locally adopted environmental plans.

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities. The proposed place of use and diversion do not exist on land designated as wilderness.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

There should be no significant negative impact on human health from this proposed use.

Determination: No impact.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No x If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? None identified.
- (b) Local and state tax base and tax revenues? None identified.
- (c) Existing land uses? None identified.
- (d) Quantity and distribution of employment? None identified.
- (e) Distribution and density of population and housing? None identified.
- (f) Demands for government services? None identified.
- (g) Industrial and commercial activity? None identified.
- (h) Utilities? None identified.
- (i) Transportation? None identified.
- (j) Safety? None identified.
- (k) Other appropriate social and economic circumstances? None identified.

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. Describe any mitigation/stipulation measures: None identified.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: No reasonable alternatives were identified in the EA.

PART III. Conclusion

1. ***Preferred Alternativ:*** None identified.

2. ***Comments and Responses:*** None.

3. ***Finding:***

Yes___ No_**x**___ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for the proposed action because no significant impacts were identified.

Name of person(s) responsible for preparation of EA:

Name: Melissa Brickl

Title: Hydrologist/Water Resource Specialist

Date: January 6, 2020